THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19547 OF 2005

Dated 5th September 2005

Between:

The Dy.Chief Traffic Manager, APSRTC,

Viayawada Rural, Vijayawada, Krishna Dist.

…Petitioner

And

N.Arjuna Rao, Conductor,

APSRTC, rep.by Depot Secretary,

Transport Mazdoor Sangh, Vuyyur depot, & another

…Respondents

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O R D E R:

This writ petition is filed by the APSRTC, assailing the award, dated 26.11.2004, in I.D.No.207 of 2001, passed by the Labour Court, Guntur.

The first respondent is employed as a conductor. Disciplinary proceedings were initiated against him, on the ground that he assaulted another conductor, by name B.V.Narsaiah, on 22.9.1999. Domestic enquiry was conducted, and through order dated 9.12.1999, the Deputy Manager removed the first respondent from service. Aggrieved thereby, the first respondent preferred an appeal, before the

Deputy Chief Traffic Manager, Vijayawada Rural. The appellate authority partly allowed the appeal, and reduced the punishment to that of reduction of pay of the first respondent by two incremental stages, for a period of two years, with cumulative effect. The first respondent filed I.D.No.207 of 2001, before the second respondent. Through its award, dated 26.11.2004, the Labour Court affirmed the order passed by the appellate authority, in all respects, except that the stoppage of increments was to be without cumulative effect.

Learned Standing Counsel for the Corporation submits that once the Labour Court had affirmed the findings, on the charges framed by the petitioner, there was no basis to modify the punishment.

Basically, the misconduct attributed to the first respondent, was his quarrel with another employee. It may amount to misconduct, but the punishment for the same cannot be disproportionate to it. It is not as if the quarrel between the first respondent and another employee had resulted in monetary loss, or had spoiled the general atmosphere in the depot. The appellate authority himself felt that the punishment of removal, imposed against the first respondent, was totally disproportionate. The Labour Court discussed the matter from the proper perspective, and felt that the cumulative effect of the stoppage of increments, would result in heavy monetary loss to the first respondent. This Court does not find any basis to interfere with the same.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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5th September 2005

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